

Remarks

The above Amendments and these Remarks are in reply to the Office action mailed August 11, 2006. Claims 1-62 and 64-69 are presented herewith for consideration.

The undersigned attorney wishes to thank the Examiner for his time in conducting a telephonic interview in the above-identified patent application on August 28, 2006. In view of the points made by the undersigned attorney during that Interview, the Examiner acknowledged that a “further search was required” of the prior art. Nevertheless, the Examiner requested that applicants file a response to the outstanding Office action.

I. Rejection of Claims 1-15, 17, 20-45, 48-62 and 64-69 Under 35 U.S.C. 102(e)

Claims 1-15, 17, 20-45, 48-62 and 64-69 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication No. 2004/0235523 to Schrire et al. (“Schrire”). Applicants respectfully traverse the rejection as follows.

As explained to the Examiner during the telephonic interview, the claims of the present invention include several limitations that are nowhere disclosed, taught or in any way suggested by Schrire. Applicants discuss several limitations below which are not found or suggested in Schrire. It is understood that, for a given claim, the absence of any one of the following limitations from Schrire is enough to overcome the rejection of that claim on the stated grounds. All claim limitations are significant, and must be given weight and effect vis-a-vis the patentability of the claims. *Application of Saether*, 492 F.2d 849, 852 (C.C.P.A. 1974). Omission of any claimed element, no matter how insubstantial, is grounds for traversing a rejection based on §102. *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983).

A. Claims 1-19

1. Back-Up System User Account Set-Up Interface

Claims 1-19 each recite:

presenting a back-up system user account set-up interface on a user interface on the phone, the set-up interface enabling establishment of a back-up service account.

An example of such a back-up system user account set-up interface on the phone is shown in the present invention for example in Figs. 3a – 3f. Although not limited to the disclosed embodiments, in one example, the phone may present the user with a user interface on the display asking whether the user wishes to begin the setup (Fig. 3a), the phone may present the user with a user interface on the display asking whether the user has reviewed and agrees to the terms of the service agreement (Fig. 3c), and the phone may present the user with a user interface on the display indicating that the registration is complete and asking the user to select a PIN number (Fig. 3d).

None of the above-described displays on the phone are specifically recited in claim 1. However, claim 1 does specifically recite a user interface enabling a user to establish a back-up service account. Schrire does not disclose, teach or suggest any user interface that enables a user to establish a back-up service account. Schrire is in fact completely silent as to how a back-up account may be set up.

In the Office action, the Examiner indicated that the above-described limitation is disclosed in Schrire in paragraphs 61 and 51. Paragraph 61 states in total:

Turning now to FIG. 3(b), the operation of the SIM card 8 is controlled by control software conventionally called a SIM kernel 31. A data communication protocol unit 32 is effective to receive and to transmit signals to or from the mobile phone 7. A card holder verification processor 33 is programmed with security data for verifying the authenticity of a security number (CHQ) derived from the PIN number typed in by the user using the keyboard on switching on the mobile phone in order to verify the identify of the user.

There is no disclosure of any kind in paragraph 61 relating to an interface for setting up a back-up system user account. Presumably, the Examiner is referring to the portion of paragraph 61 which reads, "...the PIN number typed in by the user using the keyboard on switching on the mobile phone in order to verify the identity [*sic*] of the user." However, one of skill in the art would understand this disclosure of Schrire to mean no more than that when the phone is turned on, an ID is entered. This ID grants access to the SIM card only. It is completely unrelated to a backup system, and it is completely unrelated to a user interface for setting up a backup system account.

The other paragraph cited by the Examiner in support of the rejection, paragraph 51, reads:

Each mobile station consists of a mobile phone 7 in which a respective SIM card 8 is inserted, a radio link being established between an antenna 9 on the mobile phone and an antenna 11 within the public land mobile network 5. Appropriate software modules are incorporated in the SIM card 8 in each mobile station 1a, b, c in order to enable the data backup system to operate as will be described in more detail hereafter.

This paragraph does not support the Examiner's position. Paragraph 51 is completely silent with respect to "presenting a back-up system user account set-up interface on a user interface on the phone," and one of skill in the art would not find this limitation to be disclosed, taught or suggested in paragraph 51.

In the telephone interview, after it was pointed out to the Examiner that the cited paragraphs do not support the stated rejection, the Examiner adopted the position that the above-described limitation was instead disclosed in paragraph 60, which states in relevant part:

A keyboard (not shown) enables a user to input instructions to a keyboard interface 27 which is effective to interpret the instructions and distribute appropriate signals within the rest of the mobile phone.

The Examiner took the position that a keyboard discloses the limitation "presenting a back-up system user account set-up interface on a user interface on the phone, the set-up interface enabling establishment of a back-up service account." Again, applicants respectfully disagree. Even if a keyboard could be considered a "user interface on the phone," there is no disclosure of any kind in Schrire that the keyboard "[presents] a back-up system user account set-up interface ... enabling establishment of a back-up service account.." Schrire is completely silent as to how a back-up account may be set up.

It is therefore respectfully submitted that Schrire has no disclosure, teaching or suggestion of the recited account set-up interface. Based on the above arguments alone, it is respectfully submitted that Schrire does not anticipate claims 1-19.

2. Backup Scheduling Interface On The Phone

Each of claims 1-19 further recite:

presenting a backup scheduling interface to the user interface on the phone, the backup scheduling interface accepting user input on a backup schedule.

An example of such a backup scheduling interface on the phone is shown in the present invention for example in Figs. 3g – 3j. Although not limited to the disclosed embodiments, in one example, the phone may present the user with a user interface on the display asking how often the phone data should be backed up (Fig. 3h), and the phone may present the user with a user interface on the display asking what time of day the phone data should be backed up (Fig. 3i).

None of the above-described displays on the phone are specifically recited in claim 1. However, claim 1 does specifically recite a user interface accepting input on a backup schedule. Schrire has no disclosure, teaching or suggestion of any kind of a user interface on the phone that accepts user input on a backup schedule. The data backup of the SIM card in Schrire takes place automatically (during idle

periods of the phone), and no part of the backup schedule is user-configurable in Schrire. Accordingly, there is no user interface disclosed in Schrire accepting user input for setting a backup schedule for the data on the phone. Without such a disclosure, Schrire cannot anticipate Claims 1-19 which specifically recite such a limitation.

In support of his rejection, the Examiner stated that the recited backup scheduling interface was shown in Schrire where the reference states, “the database 85 being designed to be backed up on a regular, generally daily basis.” (paragraph 84). However, the Examiner appears to have misconstrued the reference. The backed-up database 85 is not a phone or SIM database. Database 85 is the backend server within a service provider data center where all of the backed-up data is stored, and from which back-up data is restored when a phone is lost. Paragraph 84 states:

In order to provide as resilient a service as possible, the database server 83 is provided with an uninterruptable power supply 87 and is configured with suitable disc redundancy, the database 85 being designed to be backed up on a regular, generally daily basis. In addition, the database 85 is provided with a hardwired link to a remote server 89 provided in a different site which is arranged to address a remote database 91, this enabling a copy of the data within the database 85 to be made to protect against the possible catastrophic destruction of the site in which database 85 is located. Inputs to the database server are also provided from a web server 93, a billing system processor 95 and a customer service centre server 97.

Whether the data center database 85 is backed up is completely unrelated to backing up the SIM card. Moreover, regardless of which database is being backed-up, paragraph 84 is still completely silent on a user interface on the phone for accepting user input on the back-up schedule. One of skill in the art reading paragraph 84 would see no disclosure nor receive any teaching of “a backup scheduling interface... on the phone ... accepting user input on a backup schedule.”

Based on the above arguments alone, it is respectfully submitted that Schrire does not anticipate claims 1-19.

3. A Restore Information Interface On The Phone
 Enabling A User To Retrieve Backup Information

Each of claims 1-19 further recite:

presenting a restore information interface on the user interface on the phone, the restore interface enabling a user to retrieve backup information to a data store on the phone.

An example of such a restore information interface on the phone is shown in the present invention for example in Figs. 5a – 5e. Although not limited to the disclosed embodiments, in one example, the phone may present the user with a user interface on the display prompting the user as to whether he or she would like to restore data and if so, prompting the user to then enter a PIN number.

None of the above-described displays on the phone are specifically recited in claim 1. However, claim 1 does specifically recite a user interface enabling a user to retrieve backup information. There is no disclosure of this step in Schrire. In Schrire, the user is not capable of restoring information to the phone directly using an interface on the phone. Rather, the user must communicate with the customer service center to have data restored:

In the event that the user requires restoration of the EF_{ADN} data stored on the SIM card 8, due to, for example, loss of the SIM card or corruption of the data, this will normally be dealt with by the user contacting the customer service centre. An appropriate message will be sent through the customer service centre server 97 to the database server 83 to instigate the restore process either for all entries, or for a selected group of entries. In the event of the loss of the SIM card, this may conveniently be achieved by download of the data stored on the database 85 to a SIM manufacturer who is able to load the data. (Paragraph 113).

The Examiner indicated that the above-recited restore step was disclosed in paragraphs 67, 65, 114 and 119. Paragraphs 67, 65 and 114 have no disclosure of a user interface and provide no support for the Examiner's position. Paragraph 119 states no more than, once a restore operation has taken place, a message may be displayed on the phone indicating that the data has been successfully restored. The display of a successful restore message on the phone does not "enable" the restore operation, and this paragraph has no disclosure, teaching or any suggestion of an interface "enabling a user to retrieve backup information" as expressly recited in claims 1-19.

Based on the above arguments alone, it is respectfully submitted that Schrire does not anticipate claims 1-19.

B. Claims 20-29

1. A Backup Service Sign-Up Interface

Claims 20-29 recite a phone agent including instructions operable by a processor in the phone:

the agent including a backup service sign-up interface... provided to a user interface on the phone.

Schrire has no disclosure, teaching or suggestion of a phone agent including a backup service sign-up interface, nor has the Examiner set forth support of any kind that the above limitation is disclosed in Schrire. For the reasons discussed above, Schrire has no disclosure of a user interface for setting up a backup service, and Schrire has no disclosure of a user interface for signing into a backup service. One of skill in the art would find no disclosure, teaching or suggestion of the above-described limitation of claims 20-29.

Based on the above arguments alone, it is respectfully submitted that Schrire does not anticipate claims 20-29.

2. A Backup Service Scheduling Interface

Claims 20-29 recite a phone agent including instructions operable by a processor in the phone:
the agent including ... a backup method scheduling interface ...
provided to a user interface on the phone.

For the reasons discussed above with respect to claims 1-19, Schrire has no disclosure of a backup method scheduling interface. The data backup of the SIM card in Schrire takes place automatically (during idle periods of the phone), and no part of the backup schedule is user-configurable in Schrire. Accordingly, there is no user interface disclosed in Schrire for setting a backup schedule of when and how often phone data gets backed up.

As with respect to claim 1, the Examiner supports the assertion that Schrire discloses a scheduling interface at paragraph 84, where it discloses “the database 85 being designed to be backed up on a regular, generally daily basis.” As discussed above, paragraph 84 refers specifically to backing up database 85, which is the backend server within a service provider data center where all of the backed-up data is stored, and from which back-up data is restored when a phone is lost. Paragraph 84 also provides no description of any kind disclosing or suggesting setting a back-up schedule, or “... a backup method scheduling interface ... provided to a user interface on the phone.”

Based on the above arguments alone, it is respectfully submitted that Schrire does not anticipate claims 20-29.

3. A Backup Service Restore Interface

Claims 20-29 further recite a phone agent including instructions operable by a processor in the phone:

the agent including... a restore interface calling the restore method,
all provided to a user interface on the phone.

Claims 20-29 further recite the step of, in response to “user entry at the restore interface of said agent, providing changes from the backup store to the wireless telephone.”

For the reasons discussed above with respect to claims 1-19, Schrire has no disclosure, teaching or suggestion of a user interface receiving user entry to call the restore method. In Schrire, the user is not capable of restoring information to the phone directly using an interface on the phone. Rather, the user must communicate with the customer service center to have data restored.

The Examiner again indicated that the above step was disclosed in paragraphs 67, 65, 114 and 119. Paragraphs 67, 65 and 114 have no disclosure of a user interface and do not support the Examiner’s position. Paragraph 119 states no more than, once a restore operation has taken place, a message may be displayed on the phone indicating that the data has been successfully restored. Again, this paragraph has no disclosure, teaching or any suggestion of an interface receiving user entry to call the restore method as expressly recited in claims 20-29.

Based on the above arguments alone, it is respectfully submitted that Schrire does not anticipate claims 20-29.

C. Claims 30-41

Claims 30-41 each recite:

presenting a back-up system user account set-up interface on a user
interface on the phone.

This limitation is identical to the language that appears in claim 1, and applicants respectfully submit it is patentable over Schrire for the same reasons as set forth above with respect to claims 1-19 in Section A(1). Claim 30 provides even more detail about the account set-up user interface in further reciting the step of:

establishing a user account via the back-up system user account set-up
interface, the user account identifying the user by a unique designation.

Again, Schrire has no disclosure, teaching or suggestion of any kind of a user interface allowing users to establish a user account via the back-up system user account set-up interface. Schrire is silent as to how user accounts are set up.

D. Claims 42-51

1. User Defined Intervals for Transmitting Changes

Each of claims 42-51 recites:

an automated backup process transmitting changes to the backup system at user defined intervals.

For the reasons discussed above, Schrire has no disclosure, teaching or suggestion of transmitting changes at “user defined intervals.” The data backup of the SIM card in Schrire takes place automatically (during idle periods of the phone), and no part of the backup takes place at user defined intervals in Schrire.

As with respect to claim 1, the Examiner supports the assertion that Schrire discloses the above-described limitation at paragraph 84, where it discloses “the database 85 being designed to be backed up on a regular, generally daily basis.” As discussed above, paragraph 84 refers specifically to backing up the data center database 85. Paragraph 84 provides no description of any kind disclosing or suggesting any user defined options and does not disclose or suggest, “an automated backup process transmitting changes to the backup system at user defined intervals.”

Based on the above arguments alone, it is respectfully submitted that Schrire does not anticipate claims 42-51.

2. User Activated Restore Process

Claims 42-51 further recite:

a restore process activated by a user via a restore interface provided to the user by the application on the phone, to restore information stored on the backup system to the phone.

For the reasons discussed above with respect to claims 1-19, Schrire has no disclosure, teaching or suggestion of a restore process activated by a user via a restore interface on the phone. In Schrire, the user is not capable of restoring information to the phone directly using an interface on the phone. Rather, the user must communicate with the customer service center to have data restored.

The Examiner again indicated that the above step was disclosed in paragraphs 67, 65, 114 and 119. Paragraphs 67, 65 and 114 have no disclosure of a user interface and do not support the Examiner's position. Paragraph 119 states no more than, once a restore operation has taken place, a message may be displayed on the phone indicating that the data has been successfully restored. Again, this paragraph has no disclosure, teaching or any suggestion of an interface receiving user entry to activate the restore process as expressly recited in claims 42-51.

Based on the above arguments alone, it is respectfully submitted that Schrire does not anticipate claims 42-51.

E. Claims 52-60

1. Account Creation Method Initiated by the User via a User Interface

Each of claims 52-60 recite:

an automated user account creation method initiated by the user via a user interface on a wireless telephone, the creation method accessing the backup system using a unique identifier for the user to create a user account on the backup system.

For the reasons discussed above with respect to claims 1-19, Schrire has no disclosure, teaching or suggestion of a user interface on a telephone for initiating an automated user account creation method to create a user account.

In support of the rejection, the Examiner again cited to paragraphs 51 and 61 of Schrire as showing the above-cited claim limitations. However, paragraph 51 is completely silent with respect to a user interface on a telephone for initiating an automated user account creation method to create a user account, and one of skill in the art would not find this limitation to be disclosed taught or suggested in paragraph 51. Paragraph 61 discloses that, "...the PIN number typed in by the user using the keyboard on switching on the mobile phone in order to verify the identity [*sic*] of the user." One of skill in the art would understand this disclosure of Schrire to mean no more than that when the phone is turned on, an ID is entered. This ID grants access to the SIM card only. It is completely unrelated to a backup system, and it is completely unrelated to a user interface for setting up a backup system account.

Based on the above arguments alone, it is respectfully submitted that Schrire does not anticipate claims 52-60.

2. User Defined Intervals for Transmitting Changes

Each of claims 52-60 recites:

an automated backup method transmitting changes to the backup system at user defined intervals.

For the reasons discussed above, Schrire has no disclosure, teaching or suggestion of transmitting changes at “user defined intervals.” The data backup of the SIM card in Schrire takes place automatically (during idle periods of the phone), and no part of the backup takes place at user defined intervals in Schrire.

As with respect to claims 1-19, the Examiner supports the assertion that Schrire discloses the above-described limitation at paragraph 84, where it discloses “the database 85 being designed to be backed up on a regular, generally daily basis.” As discussed above, paragraph 84 refers specifically to backing up the data center database 85. Paragraph 84 provides no description of any kind disclosing or suggesting user input and does not disclose or suggest, “an automated backup process transmitting changes to the backup system at user defined intervals.”

Based on the above arguments alone, it is respectfully submitted that Schrire does not anticipate claims 52-60.

3. User Activated Restore Process

Claims 52-60 further recite:

a restore method called by the user through a restore interface presented on the user interface of the phone, the restore method providing user data to a phone.

For the reasons discussed above with respect to claims 1-19, Schrire has no disclosure, teaching or suggestion of a restore method called by a user via a restore interface on the phone. In Schrire, the user is not capable of restoring information to the phone directly using an interface on the phone. Rather, the user must communicate with the customer service center to have data restored.

The Examiner again indicated that the above step was disclosed in paragraphs 67, 65, 114 and 119. Paragraphs 67, 65 and 114 have no disclosure of a user interface and do not support the Examiner’s position. Paragraph 119 states no more than, once a restore operation has taken place, a message may be displayed on the phone indicating that the data has been successfully restored.

Again, this paragraph has no disclosure, teaching or any suggestion of an interface receiving user entry to call the restore method as expressly recited in claims 42-51.

Based on the above arguments alone, it is respectfully submitted that Schrire does not anticipate claims 52-60.

F. Claims 61-62 and 64-69

1. Backup Scheduling Interface

Each of Claims 61-62 and 64-69 recite:

presenting a backup scheduling interface to a user interface on a wireless phone, the backup scheduling interface accepting user input on a backup schedule.

For the reasons discussed above, Schrire has no disclosure, teaching or suggestion of “presenting a backup scheduling interface to a user interface on a wireless phone ... accepting user input on a backup schedule.” The data backup of the SIM card in Schrire takes place automatically, and does not accept user input to set a backup schedule.

The Examiner supports the assertion that Schrire discloses the above-described limitation at paragraph 84, where it discloses “the database 85 being designed to be backed up on a regular, generally daily basis.” As discussed above, paragraph 84 refers specifically to backing up the backend database 85. Paragraph 84 provides no description of any kind disclosing or suggesting accepting user input and does not disclose or suggest, “presenting a backup scheduling interface to a user interface on a wireless phone ... accepting user input on a backup schedule.”

Based on the above arguments alone, it is respectfully submitted that Schrire does not anticipate claims 61-62 and 64-69.

2. Restore Information Interface

Each of claims 61-62 and 64-69 further recite:

presenting a restore information interface on the user interface on the phone, the restore interface enabling the user to retrieve the phone data and changes to the phone data to a data store on the phone.

There is no disclosure of the step of “presenting a restore information interface...enabling the user to retrieve backup information to a data store on the phone”. In Schrire, the user is not capable of

restoring information to the phone directly using an interface on the phone. Rather, the user must communicate with the customer service center to have data restored.

The Examiner indicated that the above-recited restore step was disclosed in paragraphs 67, 65, 114 and 119. Paragraphs 67, 65 and 114 have no disclosure of a user interface and do not support the Examiner's position. Paragraph 119 states no more than, once a restore operation has taken place, a message may be displayed on the phone indicating that the data has been successfully restored. Again, this paragraph has no disclosure, teaching or any suggestion of an interface "enabling a user to retrieve backup information" as expressly recited in claims 61-62 and 64-69.

Based on the above arguments alone, it is respectfully submitted that Schrire does not anticipate claims 61-62 and 64-69.

In view of the above, it is respectfully requested that the rejection of claims 1-15, 17, 20-45, 48-62 and 64-69 under 35 U.S.C. 102(e) be withdrawn.

II. Rejection of Claim 16 Under 35 U.S.C. 103(a)

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schrire in view of U.S. Patent No. 6,728,530 to Heinonen et al. ("Heinonen"). As discussed above, claim 16 includes several limitations found in claim 1 which are nowhere disclosed, taught or suggested in Schrire. Namely, Schrire does not teach or suggest a user interface for setting up a backup account, Schrire does not teach or suggest a user interface for setting a backup schedule, and Schrire does not teach or suggest a user interface enabling a restore operation. Heinonen adds nothing to the teaching of Schrire in regard to any of these limitations. Therefore, it is respectfully submitted claim 16 is not taught or suggested in the cited references, taken alone or in combination with each other.

It is therefore respectfully requested that the rejection of claim 16 under 35 U.S.C. 103(a) be withdrawn.

III. Rejection of Claims 18-19 Under 35 U.S.C. 103(a)

Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schrire in view of U.S. Patent Application Publication No. 2004/0192260 to Sugimoto et al. ("Sugimoto"). As discussed above, claims 18 and 19 include several limitations found in claim 1 which are nowhere disclosed, taught or suggested in Schrire. Namely, Schrire does not teach or suggest a user interface

for setting up a backup account, Schrire does not teach or suggest a user interface for setting a backup schedule, and Schrire does not teach or suggest a user interface enabling a restore operation. Sugimoto adds nothing to the teaching of Schrire in regard to any of these limitations. Therefore, it is respectfully submitted claims 18 and 19 are not taught or suggested in the cited references, taken alone or in combination with each other.

It is therefore respectfully requested that the rejection of claims 18-19 under 35 U.S.C. 103(a) be withdrawn.

IV. Rejection of Claims 46-47 Under 35 U.S.C. 103(a)

Claims 46-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schrire in view of U.S. Patent Application Publication No. 2004/0192282 to Vasudevan ("Vasudevan"). As discussed above, claims 46 and 47 include several limitations found in claim 42 which are nowhere disclosed, taught or suggested in Schrire. Namely, Schrire does not teach or suggest setting a backup schedule at user defined intervals, and Schrire does not teach or suggest a user interface for activating a restore operation. Vasudevan adds nothing to the teaching of Schrire in regard to any of these limitations. Therefore, it is respectfully submitted claims 46 and 47 are not taught or suggested in the cited references, taken alone or in combination with each other.

It is therefore respectfully requested that the rejection of claims 46-47 under 35 U.S.C. 103(a) be withdrawn.

Based on the above remarks, reconsideration of Claims 1-62, 64 – 69 is respectfully requested.

The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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